

REMARKS

This is in response to the Office Action that was mailed on February 14, 2006. Claims 1 and 2 are cancelled, without prejudice. Claim 3 is amended in accordance with the disclosure (see e.g. specification, page 10, line 36 – page 14, line 28. The dependencies of claims 4-9 have been changed from “1” to “3”. No new matter is introduced. Claims 3-19 are pending in the application, of which claims 10-15, 18, and 19 are currently withdrawn from consideration.

Applicants confirm the election of the invention identified by the Examiner as Group I. This election is made with traverse, on the grounds that all of the inventions claimed herein are closely related, such that it would not be unduly burdensome on the Examiner to examine all of the claimed inventions together in this application.

Claims 1, 2, 4, 5, and 7 were rejected under 35 USC § 102(b) as being anticipated by US 3,542,830 (Kim). Claims 1, 2, 4, 6, and 7 were rejected under 35 USC § 102(b) as being anticipated by US 5,514,741 (Arai). Claims 1, 2, 4-9, and 16 were rejected under 35 USC § 102(b) as being anticipated by US 5,605,958 (Yoneda). Inasmuch as claims 1 and 2 have been cancelled, and claims 4-9 and 16 now depend, directly or indirectly, from non-rejected claim 3, it is respectfully submitted that these grounds of rejection have been obviated.

Claims 3 and 6 were rejected under 35 USC § 103(a) as being unpatentable over Kim. The rejection is not believed to apply to the claims in their present form. Kim discloses a composition of the formula:

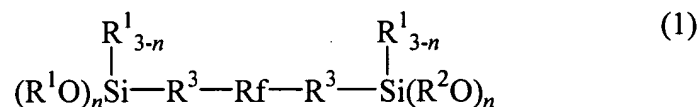


Kim fails to teach or suggest the **co-hydrolyzate** of the present invention, wherein the content of

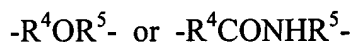
component (i) is 95% by weight to 99.5% by weight of the mixture. Moreover, Kim fails also to disclose the ingredients defined in the inventive composition. Withdrawal of this ground of rejection is in order and is earnestly solicited.

Claim 3 was rejected under 35 USC § 103(a) as being unpatentable over Arai. The rejection is not believed to apply to the claims in their present form. Arai discloses a room temperature curable organopolysiloxane composition, comprising:

- (A) a diorganopolysiloxane having hydroxyl groups at both ends of the molecular chain,
- (B) 0.5 to 30 parts by weight per 100 parts by weight of component (A) of an organosilicon compound containing at least three hydrolyzable groups bonded to a silicon atom in the molecule or its partial hydrolysis-condensation product,
- (C) 1 to 5 parts by weight per 100 parts by weight of component (A) of an alkoxysilane represented by the following general formula (1):



wherein R^1 and R^2 , which are the same or different, each represent an unsubstituted monovalent hydrocarbon group having 1 to 8 carbon atoms or said hydrocarbon group having at least part of the hydrogen atoms replaced by halogen atoms, R^3 represents a bivalent hydrocarbon group or a bivalent group represent by the formula:



wherein R^4 and R^5 each represent a bivalent hydrocarbon group, Rf represents a bivalent perfluoroalkylene group or a bivalent perfluoropolyether group, and n is an integer of 1 to 3, and

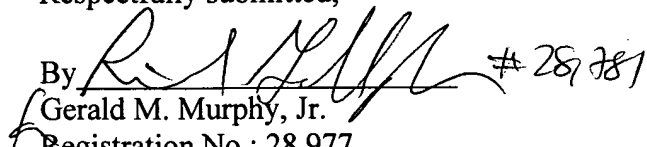
- (D) 30 to 150 parts by weight per 100 parts by weight of component (A) of aluminum hydroxide. Arai fails to teach or suggest the **co-hydrolyzate** of the present invention, wherein the content of component (i) is 95% by weight to 99.5% by weight of the mixture. Thus, Arai fails to disclose or suggest any composition presently claimed. Withdrawal of the rejection based on Arai is in order, and is earnestly solicited.

Claims 3 and 17 were rejected under 35 USC § 103(a) as being unpatentable over Yoneda. The rejection is not believed to apply to the claims in their present form. Yoneda discloses a composition for surface treatment, which comprises the following components (I), (II), and (III) as essential components: (I) at least one compound capable of forming a coating film with a contact angle of at least 70° against water; (II) a solvent capable of dissolving the component (I); and (III) a fluorine-containing solvent or an aliphatic hydrocarbon, having an evaporation rate in units of mg/(cm²·min) lower than the component (II) at 35°C. Yoneda fails to teach or suggest the **co-hydrolyzate** of the present invention, wherein the content of component (i) is 95% by weight to 99.5% by weight of the mixture. The Yoneda reference fails to disclose or suggest any composition presently claimed. Withdrawal of the rejection based on Yoneda is respectfully urged.

If there are any questions, the Examiner is invited to contact Richard Gallagher (Registration No. 28,781) at (703) 205-8008.

Dated: June 14, 2006

Respectfully submitted,

By  #28,781
Gerald M. Murphy, Jr.
Registration No.: 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant